

MR. DAVID D. HAGLER
U.S. Attorney's Office
220 E. Rosser Ave.
P. O. Box 699
Bismarck, North Dakota 58502-0699

1 (The above-entitled matter came before the Court, The
2 Honorable Charles S. Miller, Jr., United States District Court
3 Magistrate Judge, presiding, commencing at 3:52 p.m., Tuesday,
4 July 31, 2018, in the United States Courthouse, Bismarck, North
5 Dakota. The following proceedings were had and made of record
6 in Court chambers by telephone:)

7 - - - - -

8 THE COURT: We'll go on the record in the matter of
9 the search of one green and tan domed-shaped tent at a
10 campground south of the Four Bears Casino, New Town, McKenzie
11 County, North Dakota. Agent Bennett is going to give some
12 testimony in support of an application for a search warrant.
13 Do you want to administer the oath?

14 MEGAN BENNETT,
15 having been first duly sworn over the telephone, was examined
16 and testified as follows:

17 THE COURT: Okay. Mr. Hagler, you may proceed.

18 EXAMINATION

19 BY MR. HAGLER:

20 Q. Agent Bennett, why don't you describe for Judge Miller the
21 reported aggravated sexual abuse?

22 A. All right. Well, I first learned that a sex assault had
23 happened on Fort Berthold this morning around 9:00 a.m. and
24 that the victim's name was Raven Gillette and that she was at
25 Trinity Hospital in Minot for medical attention and

1 administration of a sexual assault evidence collection kit.

2 I later met with Ms. Gillette when she was back in
3 New Town, and she told me some things about what had happened
4 to her early this morning. She was at the Four Bears Casino in
5 the New Town area between 1:00 a.m. and 2:00 a.m., and she
6 needed a ride home. She did not have a cell phone with her. A
7 man she did not know offered her a ride home, and she accepted
8 the ride.

9 He was described as an elderly man with white hair, a
10 white wife-beater shirt and black trunks. Together they left
11 the casino in his vehicle, and he said he would drive her home
12 after first stopping at a bottle shop for some alcoholic
13 beverages. They went to the bottle shop, where either he or
14 she bought some purple cans of a drink called Joose, which is
15 spelled J-o-o-s-e.

16 And then instead of driving her home as he had said,
17 he drove her out to a campground, in an area called a point,
18 which is -- or The Point. Excuse me. It's a small peninsula
19 of land that juts out into Lake Sakakawea or the Missouri River
20 just south of the Four Bears Casino.

21 She drank a little bit of the Joose beverage she had,
22 and at some point she saw him put Joose -- throw Joose
23 containers back into the tent near an area where he was
24 apparently camping. He was the only person that she saw ever
25 go into the tent early that morning or come out of it. She

1 didn't see anyone else associated to the campsite, that she
2 observed, keeping in mind that it was very dark out.

03:55 3 He led her down to the water and into the water, and
4 then he proceeded to sexually assault her. Ms. Gillette told
5 me that he bent her over, took off her pants and proceeded to
6 anally sexually assault her. While he was sexually assaulting
7 her, he was using his hands to pull her hair and hit her on the
8 back.

03:55 9 She fought him, was screaming and crying, and she
10 showed me when I was talking to her some scratches and bruises
11 on her arm, hand and forehead that she said happened early that
12 morning due to the physical assault. He told her to stop
13 moving. She tried to swim away from him, and he tried to drown
14 her in the lake.

03:55 15 He then grabbed her hair and pulled her back to shore
16 and into his car. He locked the doors, and he told her
17 something along the lines of, "If you get out, it ain't going
18 to be pretty," so she was very scared and she stayed in the
19 car. She was unsure of how long she stayed in the car.

03:56 20 While she was in the car, she saw him go into a
21 domed-shaped tent. He was in there for a while. He came out
22 at her at some point and started, what she -- she described
23 that he was bitching at her. He was angry in some way at her
24 because she asked him for a ride home.

03:56 25 She then decided to run, and she ran out of the

03:57

1 vehicle, towards the hotel, where she encountered a hotel
2 security guard, who then contacted -- apparently had contacted
3 law enforcement based on some calls, dispatch records that I
4 was able to obtain from Three Affiliated Tribes dispatch
5 center.

03:57

6 It was dark out, so she didn't get a lot of details.
7 She remembered the shape of the tent, and she initially told me
8 it was a reddish color. After I spoke with her, she agreed to
9 try and locate the site where this man was camping, and we went
10 out to The Point and drove up and down some of the dirt lanes
11 here, and she pointed out a specific tent and said that was the
12 one. She acknowledged she might have gotten the color wrong,
13 but that she told me it was definitely the tent.

03:57

14 She initially told me it was like a circle-shaped
15 tent, and the green and tan tent that she said was definitely
16 the tent where he went when she was in the car, she said that
17 this was definitely -- this was the place where the car had
18 been parked and he went into the tent.

03:58

19 She also pointed out to me where there was and still
20 is -- I can see right now a purple Joose can lying on the
21 ground some feet away from the tent. I can't judge the
22 distance from my vantage point, but it's in kind of the
23 curtilage of the tent area. She told me that was actually her
24 Joose can, to the best of her belief, because she remembered
25 throwing one on the ground at some point. After I -- after the

03:58

1 victim was done showing me the camp area, she was taken away
2 from the area by a victims services advocate.

03:58 3 I then contacted Three Affiliated Tribes dispatch,
4 and they sent out a tribal highway patrolman to help me do a
5 knock-and-talk at the tent because I didn't know if anyone was
6 inside or not, so I went and did a knock-and-talk at the tent.
7 And in order to do that, I got up close to the tent window or
8 door, and the solid part of the fabric was pulled down, so
9 there was some netting where I could see into the tent as I was
03:59 10 announcing myself and asking if anyone was there.

11 And as I was doing that, I saw that inside the tent
12 there were -- there was at least one blanket and some other
13 soft items, perhaps some clothing that were kind of
14 incidentally shaped into what could be the form of a person.

03:59 15 So I went around to the other side of the tent, which
16 would be the more northern side of the tent where there was
17 another window or door that was -- had the solid fabric
18 unzipped, so there was still just like a screen that I could
19 see through. And I went and announced myself into the tent to
03:59 20 make sure that there wasn't someone there because I was not
21 sure at that point.

22 And then from that vantage point, looking southward,
23 I could see that inside the tent there was, for lack of a
24 better term, a plastic sippy cup with a straw, a cooler and
04:00 25 some other soft items made out of fabric. I know from my

04:00

1 experience and training, that those types of items can collect
2 things from people who come into contact with them, such as
3 hairs and fibers. And I also know that items such as a sippy
4 cup could potentially be -- yield DNA from people who have used
5 them.

04:00

6 And I also searched around the tent. There are other
7 beverage containers, including a Sunny D bottle and some other
8 silverish and blue cans in the exterior of the tent, in the
9 curtilage area, as well as a blue towel, which is right up next
10 to and appears to be touching the side of the tent.

11 Q. Agent Bennett, you took a photograph of the tent and the
12 surrounding curtilage area, is that correct?

13 A. Yes.

04:01

14 MR. HAGLER: Okay. And you submitted that with the
15 application here. I've marked it as Exhibit A, so Judge Miller
16 does have a copy of that photograph.

17 THE COURT: I don't have any questions. I find that
18 there's probable cause for the requested search warrant, and so
19 I'm executing the same. Thank you, Agent Bennett.

04:01

20 we'll go off the record.

21 (Proceedings concluded at 4:01 p.m., the same day.)

22 - - - - -

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF COURT REPORTER

I, Sandra E. Ehrmantraut, a Certified Realtime Reporter,

DO HEREBY CERTIFY that I recorded in shorthand the foregoing proceedings had and made of record at the time and place hereinbefore indicated.

I DO HEREBY FURTHER CERTIFY that the foregoing typewritten pages contain an accurate transcript of my shorthand notes then and there taken.

Dated: August 2, 2018

/s/ Sandra E. Ehrmantraut
Certified Realtime Reporter